

### **REMARKS:**

These remarks are responsive to the Final Office Action mailed on December 22, 2005. Claims 1-17 are currently pending in the application. Applicant appreciates the indication of claims 7-14, 16 and 17 as allowable. The Examiner has rejected claims 1-6 and 15. Applicant respectfully submits, however, that these claims are also allowable for at least the reasons set forth below.

#### **Rejection of Claims under 35 U.S.C. § 103(a)**

The Examiner rejected claims 1, 3, and 15 under 35 U.S.C. § 103(a) as being unpatentable over the combination of U.S. Patent No. 4,292,053 to Remilieux (hereinafter the "Remilieux reference") taken together with Japanese Patent No. 56-58513 (hereinafter the "Japanese '513 reference"). The Manual of Patent Examining Procedure (MPEP) §2143 states "[t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."

Claim 1 recites a "powder coating apparatus" and "a first gas stream with powder particles therein." The device disclosed in the Remilieux reference fails to disclose at least these features. In the Final Office Action, under the allowable subject matter heading, the Examiner notes that the Remilieux reference teaches "a dust filtration apparatus including a step of interrupting the flow of gas mixed with dust through the first filter element while maintaining the flow of gas mix with dust through another path, however, Remilieux fails to teach a step of cleaning a filter element of

powder filter from a gas within a powder coating apparatus." (Emphasis Added) Claim 1 requires a powder coating apparatus and gas streams with powder particles therein. By the Examiner's own admission, the Remilieux reference does not teach a powder coating apparatus or cleaning powder particles from a filter. The Remilieux reference simply discloses a dust filtration apparatus.

Furthermore, the Japanese '513 reference cannot be used to remedy the failure of the Remilieux reference. The MPEP states in §2143.01 that "[t]he mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." The desirability of combining the Japanese '513 reference with the Remilieux reference is not suggested since the Japanese '513 reference teaches away from maintaining a flow of a gas stream through another path. Accordingly, the combination of references is improper. Even assuming, *arguendo*, that the combination was proper all of the features of claim 1 are not taught or suggested as noted above.

Claims 3 and 15 are dependent from independent claim 1 and therefore include all of the features of independent claim 1. Claims 3 and 15 are therefore allowable over the references of record for at least the same reasons as independent claim 1.

Claims 2, 5, and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over the Remilieux reference taken together with the Japanese '513 reference in view of U.S. Patent No. 5,421,845 Gregg et al. (hereinafter the "Gregg reference"). Claims 2, 5, and 6 all depend from independent claim 1 and therefore include all the features of independent claim 1. Accordingly, claims 2, 5, and 6 are allowable over the references of record for at least these reasons. In addition, the

Gregg reference fails to remedy the failures of the Remilieux reference and the Japanese reference to render independent claim 1 obvious. Therefore, claims 2, 5, and 6 are allowable over the combination of the Remilieux reference, the Japanese '513 reference, and the Gregg reference.

Claim 4 was rejected under 35 U.S.C. § 103(a) as being unpatentable over the Remilieux reference taken with the Japanese '513 reference in view of U.S. Patent No. 3,212,643 to Schmidt et al. (hereinafter the "Schmidt" reference). The Schmidt reference fails to remedy the failures of the Remilieux and Japanese '613 references. The Schmidt reference does not teach or suggest a powder coating apparatus. In fact, the reference is directed to a liquid fluid cleaning apparatus. Claim 4 depends from independent claim 1 and therefore includes all of the limitations of independent claim 1. Accordingly, claim 4 is allowable over the references of record for at least these reasons.

#### **Allowable Subject Matter**

In the section of the Office Action entitled "Allowable Subject Matter" the Examiner states:

Koch fails to teach a step of moving the cleaning gas stream between the first and second surface area portions to dislodge the powder from the first filter element. It would not have been obvious to someone of ordinary skill in the art at the time the invention to provide the step of moving the cleaning gas stream between the first and second surface area portions to dislodge the powder from the first filter element because Koch does not suggest such a modification.

Applicant agrees that those features are not taught or suggested by the references of record. However, Applicant respectfully submits that additional reasons support the patentability of claims 10, 11, 16, and 17.

The Examiner also states:

Koch fails to teach a step of interrupting the flow of gas mixed with the powder through the first filter element while maintaining the flow of gas mixed with the powder through another path. Remilieux teaches a dust filtration apparatus including a step of interrupting the flow of gas mixed with dust through the first filter element while maintaining the flow of gas mixed with dust through another path, however Remilieux fails to teach a step of cleaning a filter element of powder filtered from a gas within a powder coating apparatus. Also, it would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide a step of interrupting the flow of gas mixed with the powder in Koch through the first filter element while maintaining the flow of gas mixed with the powder through another path, because Koch only teaches a single filter element which spans a portion of a powder coating booth, and Remilieux teaches a plurality of filters, therefore including a plurality of filters would teach against the function of the Koch reference.

Applicant agrees that those features are not taught or suggested by the references of record. However, Applicant respectfully submits that additional reasons support the patentability of claims 12 and 13.

The Examiner also states:

Koch fails to teach a step of interrupting the flow of gas mixed with the powder through the first filter element while maintaining the flow of gas mixed with the powder through a second filter element. Remilieux teaches a dust filtration apparatus including a step of interrupting the flow of gas mixed with dust through the first filter element while maintaining the flow of gas mixed with dust through a second filter element, however Remilieux fails to teach a step of cleaning a filter element of powder filter from a gas within a powder coating apparatus. Also, it would not have been obvious to someone of ordinary skill in the art at the time of the invention to provide the step of interrupting the flow of gas mixed with the powder in Koch through the first filter element while maintaining the flow of gas mixed with the powder through a second filter element, because Koch only teaches a single filter element which spans a portion of a powder coating booth, and Remilieux teaches a plurality of

filters, therefore including a plurality of filters would teach against the function of the Koch reference.

Applicant agrees that those features are not taught or suggested by the reference of record. However, Applicant respectfully submits that additional reasons support the patentability of claim 14.

### **Conclusion**

Applicant respectfully submits that all claims are allowable. Accordingly, Applicant respectfully submits that this Amendment places the application in condition for allowance and therefore should be entered in compliance with MPEP § 714.12. Reconsideration of the present application is respectfully requested. The Examiner is invited to contact the undersigned to expedite issuance of this application.

Applicant does not believe any other fees are due in connection with filing this response. However, if any fee are necessary, the Commissioner is hereby authorized to charge any underpayment or fees associated with this communication or credit any overpayment to Deposit Account No. 23-3000.

Respectfully submitted,

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